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November 24, 2021

Via ECF and Electronic Mail

Honorable John P. Cronan, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

**Re: United States v. Edward Shin
Case No.: 1:19-cr-00552-JPC**

Dear Judge Cronan:

I represent Edward Shin in the above-referenced matter. I am responding to the letter filed today by the United States Attorney's Office seeking a December 6, 2021 trial date, as well as Your Honor's Order of today. We do not consent to the December 6, 2021 trial date. The reasons are as follows.

We do not consent since the one week is not enough time. Yesterday, we placed on the record the reasons we requested a 30-day adjournment based on the volume and nature of the documentation recently produced by the Government. This request was based on our evaluation that there was not enough time to review with my client the 1,800 pages of bank records and 400 pages of emails, as well the 1,500 pages of SBA Standard Operating Procedure documents in advance of a November 29 trial date. Our belief that there is not enough time to review these items even with an additional week was confirmed by our receipt yesterday afternoon of the Government's 116-page exhibit list. There is not enough time to review the exhibits (not yet produced), perform other trial preparation and fit in time for the review of the recent discovery. Your Honor appeared to recognize that when Your Honor ordered the Government to produce its exhibits 30 days before the April 4, 2022 trial date. Your Honor also ordered the Government to indicate its expected witnesses two weeks before trial.

Equally significant, we have checked with our jury consultant Julie Howe and she is not available the week of December 6 as she will be undergoing

serious medical procedures in Vermont on December 6 and December 7 and will be in recovery for the rest of the week. Ms. Howe was retained by us in December 2020 and we have been working with her since that time to prepare for jury selection. Our use of a jury consultant was indicated to the Court and the Government in our January 11, 2021 letter to Judge Woods and discussed with Your Honor at the October 15, 2021 conference.

Finally, as the Government indicated yesterday, the Government now expects the overall trial to last three weeks as they have increased the number of their witnesses from approximately 12 to approximately 20 since the October 15, 2021 conference and now need two weeks just to present their case. This would put the trial into the week of December 20 assuming the Government completes their case in two weeks and we would run into serious difficulties keeping and maintaining a jury during that week and the following week, if necessary, due to the holidays.

It appears that in the last few weeks, the Government has significantly expanded its case both on the number of witnesses, as well as its ongoing production of voluminous discovery. It is not fair to expect Mr. Shin and his counsel to be able to absorb and attempt to rebut all these documents and changes in one additional week.

Accordingly, in the light of the above and for the reasons expressed yesterday in Court, we respectfully request in the interest of justice that the Court deny the Government's request for a December 6, 2021 trial date.

Respectfully submitted,

/s/ Paul B. Brickfield

Paul B. Brickfield

cc: Robert Basil, Esq. (via ECF and electronic mail)
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